

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

DAVID J. HARRIS,

8:09CV424

Plaintiff,

V.

# MEMORANDUM AND ORDER

STATE OF NEBRASKA  
DEPARTMENT OF HEALTH AND  
HUMAN SERVICES,

Defendant.

This matter is before the court on its own motion. On January 27, 2010, the court entered a Memorandum and Order stating that the Complaint in this matter failed to state a claim upon which relief may be granted and directed Plaintiff to file an amended complaint no later than February 25, 2010. (Filing No. 6.) The court warned Plaintiff that failure to file an amended complaint by that deadline would result in the dismissal of this matter without further notice. (*Id.* at CM/ECF p. 4.)

Plaintiff has not filed an amended complaint or any other response to the court's January 27, 2010, Memorandum and Order.

IT IS THEREFORE ORDERED that:

1. This matter is dismissed without prejudice because Plaintiff failed to prosecute this matter diligently and failed to comply with this court's orders.
2. A separate judgment will be entered in accordance with this Memorandum and Order.

DATED this 30th day of March, 2010.

BY THE COURT:

*Richard G. Kopf*

United States District Judge